

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

JANE DOE, *on behalf of herself*  
*and all others similarly situated,*

Plaintiff,

v.

TESLA INC., et al.,

Defendants.

Case No. 5:24-cv-02226-JAK (SPx)

**ORDER CONTINUING HEARING AND  
DIRECTING BRIEFING RE  
JURISDICTION**

1 For the reasons stated in this Order, the January 5, 2025 hearing on Plaintiff's  
2 Motion to Amend (Dkt. 57 (the "Motion")) is continued to January 12, 2026, at  
3 8:30 a.m., with a precise time to be determined when the final calendar issues for  
4 that date. Based on a review of the Motion, this continuance is necessary to provide  
5 time for briefing with respect to whether there is jurisdiction over the non-class  
6 claims advanced by Plaintiff. This process is warranted because a "federal court has  
7 a duty to consider jurisdiction *sua sponte*." *Nome Eskimo Cmty. v. Babbitt*, 67 F.3d  
8 813, 815 (9th Cir. 1995). Subject matter jurisdiction is "not a waivable matter and  
9 may be raised at anytime" by the parties or the Court. *Emrich v. Touche Ross &*  
10 *Co.*, 846 F.2d 1190, 1194 n.2 (9th Cir. 1988).

11 Plaintiff alleges that there is jurisdiction over the action pursuant to the Class  
12 Action Fairness Act ("CAFA"), codified at 28 U.S.C. § 1332(d). The claims on  
13 behalf of the putative class are made only against Tesla, Inc. ("Tesla"). The  
14 remaining non-class claims are alleged against Brookfield Properties (USA II) LLC  
15 d/b/a Galleria at Tyler ("Tyler Mall"), Jabari Barton Marquis ("Marquis"), and  
16 Universal Protection Services, LC d/b/a Allied Universal Security Services  
17 ("Universal") are of whom are alleged to be California citizens. Dkts. 1, 57. All of  
18 the causes of action in the Complaint (Dkt. 1) and proposed Amended Complaint  
19 (Dkt. 57) arise under California law.

20 Similar jurisdictional issues were presented in *Wright Transportation, Inc. v.*  
21 *Pilot Corp.*, 841 F.3d 1266, 1273 (11th Cir. 2016); *In Touch Concepts, Inc. v.*  
22 *Cellco P'ship*, 949 F. Supp. 2d 447, 465 (S.D.N.Y. 2013), *adhered to on denial of*  
23 *reconsideration*, No. 13-CV-1419, 2013 WL 6182949 (S.D.N.Y. Nov. 18, 2013),  
24 and *aff'd*, 788 F.3d 98 (2d Cir. 2015); and *Watson v. City of Allen, Tx.*, 821 F.3d  
25 634, 638 (5th Cir. 2016).

26 On or before January 7, 2026, at 5:00 p.m., each party shall file a brief not to  
27 exceed seven pages that addresses whether there is federal subject matter  
28

1 jurisdiction over Plaintiff's individual, non-class claims against Tyler Mall,  
2 Marquis and Universal.

3  
4 **IT IS SO ORDERED.**

5  
6 Dated: December 31, 2025

A handwritten signature in black ink, appearing to read 'John A. Kronstadt', written over a horizontal line.

John A. Kronstadt  
United States District Judge